

# Zephyr Performance Supplemental Privacy Policy

Effective: December 1, 2017

Thank you for visiting the Zephyr Performance website. We work hard to keep the sites and on-line tools current and hope that you find the information available here to be highly useful. This website is provided by Medtronic. As such, your use of this website is governed by the Medtronic Privacy Statement (<http://www.medtronic.com/us-en/privacy-statement.html>) and Terms of Use (<http://www.medtronic.com/us-en/terms-of-use.html>), as well as this Zephyr Performance Supplemental Privacy Policy and the Zephyr Performance Website Terms of Use.

This Zephyr Performance website is its own website, and while the Medtronic Privacy Statement and Terms of Use govern your use of the site, there are additional terms that pertain specifically to your use of the Zephyr Performance website and Zephyr Performance products, including OminSense5. These additional privacy terms are a supplement to the Medtronic Privacy Statement and should be used as such. ***By accessing or using this Zephyr Performance website and voluntarily providing us with your Personal Information, you are consenting to our use and disclosure of your Personal Information in accordance with the terms of this Privacy Policy.***

We make this site available for the purpose of providing useful information to the general public and **not** for the purpose of providing healthcare services. Certain parts of the website offer on-line and/or educational tools, and the ability to purchase Zephyr Performance products, and require users to register for an on-line account. No parts of this website are intended to serve as a vehicle for providing medical advice or healthcare services. Please consult your physician regarding your specific diagnosis, treatment, diet, and health questions.

## Introduction

When you use this Zephyr Performance website, we may ask you to provide us with certain personally identifiable information, including, but not limited to, your name, photo, date of birth, phone number, IP address when such address is associated to a specific user, and email address ("Personal Information"), and other personal information such as heart rate and weight. We may collect information about your use of our sites or your other on-line activities. We may also obtain Personal Information when you engage in email or other communications with us. Additionally, if you engage in purchasing products from our online store, you may also be required to provide your address, zip code, payment method, and other related information. In keeping with the general informational purpose of these sites and the related communications, we collect Personal Information from you as an on-line consumer and not as a patient of Medtronic. This Privacy Policy describes how Medtronic handles Personal Information collected through the Zephyr Performance website. This Privacy Policy tells you what information we collect, how we protect it, your relationship with our websites, and what choices you have regarding your Personal Information. This Privacy Policy is a part of, and is governed by, the Zephyr Performance Website Terms of Use. It is important that you carefully read both this Privacy Policy and Zephyr Performance Website Terms of Use.

## Online Tracking and Related Opt-out Procedures

For information about the online tracking and ability to opt out of such tracking, please see the "Non-personal Information" section of the Medtronic Privacy Statement (<http://www.medtronic.com/us-en/privacy-statement.html>).

## Personal Information Collected through the Zephyr Performance Website and How We Use It

You are not required to provide any Personal Information to use parts of our website. However, other parts of our website -- including those that have tools enabling you to get more personalized information -- require you to create an account or register in order to access particular tools or services. For example, by creating an online account, you will be required to provide certain Personal Information in order to gain access to a variety of specialized information. The Personal Information collected will be limited to what is necessary to provide the level of services requested. Do not share any information with us that you wish to remain private; however you may not be able to access such specialized information without creating the online account. You are responsible for ensuring the accuracy of the information you submit through the Zephyr Performance website. The submission of inaccurate information will affect the information you receive through our website (which, again, does not constitute medical advice) and may impair our ability to contact you as described in this Privacy Policy. For example, you should make sure your email address is current because that is how you may receive information.

**You may change or delete your Personal Information or account settings by logging into your account, or, if applicable, communicating with your account administrator. You will be asked to verify your identity as part of this process. To request to have your account deleted, contact us using the information in the Questions, Complaints and Contacts section below. By deleting your account, all of your Personal Information will be removed from the online system database. Certain aspects of your data cannot be deleted however, which will be entirely de-identified and aggregated with other users data, for internal use only (“Aggregated Data”). Such Aggregated Data will be kept for an indefinite period of time following the date of account deletion.**

After you have created your account, you may choose to use tools and services that may request additional information from you. Using these tools and providing additional information is strictly voluntary.

We collect Personal Information when you register for an account. This information is maintained at all times within the United States and securely stored in the cloud through our account with Amazon Web Services. We use the Personal Information that you provide in various ways, including responding to your questions, providing you with the specific services you select, showing you website content, and sending you emails that may be of interest to you. Medtronic may transfer your Personal Information to an affiliate, subsidiary or successor to the business to which such information is associated. Medtronic obtains various types of services, such as information technology, email delivery and data analysis, from its affiliates, subsidiaries, and other trusted business partners. Medtronic may share your Personal Information with these vendors to enable them to deliver services to you through the Zephyr Performance website and products. We access data for purposes of providing support and data analyses upon request. Additional Personal Information may be required when you purchase items from our online store. Although you will be placing orders through the Zephyr Performance website, the payment system is operated and managed by Amazon Pay, so Medtronic does not access or store any of your payment information provided through this process. Please see the Amazon Pay privacy policy for information about how that data is stored and secured (<https://pay.amazon.com/us/help/201751600>).

### **GPS Tracking**

While using the Zephyr Performance OmniSense5 App on your mobile device, the settings may be such that GPS tracking of your location is enabled. This GPS tracking of your location will only occur if the App is in use. For all concerns and issues related to GPS tracking, use the contact information in the “Questions, Complaints, and Contacts” section below.

### **Access and Correction**

You may correct, amend, or delete the Personal Information that we have in a registered account by logging into your online account (<https://www.os.zephyranywhere.com/om/>). To request to have your account deleted or for other issues, use the contact information in the Questions, Complaints and Contacts section below.

### **Newsletters, Email and Opt-Out Procedures**

When you register for an account or certain other actions on a Zephyr Performance website, you may be given the option of receiving recurring informational/promotional newsletters or other emails from Medtronic or our business partners. In order for you to subscribe to these emails, we will ask for your contact information. **You are not required to subscribe and receive any recurring informational/promotional newsletters. You can unsubscribe from Zephyr Performance emails at any time by simply following the directions included at the bottom of each email or by editing the information you entered when you registered for an online account.**

Please note that if you do unsubscribe from receiving marketing-related emails from us, we may still need to send you important administrative messages. You cannot opt-out from receiving these administrative messages.

If you have difficulties with our newsletters or emails that you cannot address as described above, please see the contact information in the "Questions, Complaints and Contacts" section below and let us know about your issue.

### **Other Information Sent to Medtronic**

Other than Personal Information to which this Privacy Policy pertains, any content, business information, ideas, concepts, or inventions that you send to Medtronic by email or other electronic means may be publicly disclosed and used by Medtronic. If you want to keep content or business information, ideas, concepts, or inventions private or proprietary, do not send them to Medtronic. We try to answer every email within five (5) business days, but are not always able to do so.

### **Social Media**

This Zephyr Performance website may use social media plugins to enable you to easily share information with others. When you visit this website, the operator of the social plugin can place a cookie on your computer enabling that operator to recognize individuals who have previously visited our sites. If you are logged into the social media website while browsing our site, the social plugins allow that social media website to receive information that you have visited our site. The social plugins also allow the social media website to share information about your activities when using our site with other users of their social media website. Medtronic does not control any of the content from the social media plugins. For more information about plugins from other social media websites you should refer to those websites' privacy policies.

### **Child Privacy**

The Zephyr Performance website is intended for adults age 18 and older, and is not intended to attract children, except as authorized and agreed upon in the customer's individual Subscription Agreement. Medtronic will not knowingly collect Personal Information from any person we actually know to be under 13 years old, without express written permission from a parent or legal guardian. **If you are under the age of 13, do not use the site or provide any information through the sites.**

### **How We Protect Personal Information**

The Zephyr Performance site incorporate safeguards to help protect the security and privacy of Personal Information. Medtronic employs certain procedural and technological security measures designed to protect your Personal Information from unauthorized access and disclosure. We may

use encryption, secure sockets layer (SSL) technology, internal restrictions, risk management programs, or other security measures. However, no security system is impenetrable, and transmission of information over the Internet is not completely secure. While we take steps to protect your Personal Information, we cannot guarantee its privacy or security. Any transmission of Personal Information is at your own risk.

Medtronic may share Personal Information in response to a court order, subpoena, search warrant, law, or regulation. We may cooperate with law enforcement in investigating and prosecuting activities that are illegal, violate our rules, or may be harmful to other visitors.

### **Changes to Privacy Policy**

Medtronic reserves the right to change this Privacy Policy at any time without notice, so check back frequently to review our current privacy practices. Any changes we make to this Privacy Policy will be effective for any information we already have about you. Your continued use of, or registration with, the sites means that you accept and agree to the current Privacy Policy.

### **Questions, Complaints and Contacts**

If you have a question about the Zephyr Supplemental Privacy Policy, wish to make a complaint, or believe that your rights under this Privacy Policy may have been violated, you may contact us by clicking on the contact us link (<https://www.zephyranywhere.com/contact>) or by using the information below.

### **Zephyr Privacy**

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Email: [zephyrperformancesupport@medtronic.com](mailto:zephyrperformancesupport@medtronic.com)